

AMENDED IN ASSEMBLY JULY 2, 2003

AMENDED IN SENATE APRIL 21, 2003

**SENATE BILL**

**No. 692**

**Introduced by Senator Kuehl**

February 21, 2003

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An act to amend ~~Section 853 of~~ Sections 853, 7360, 7361, 7362, and 7363 of, and to repeal Section 7360.1 of, the Fish and Game Code, relating to the Department of Fish and Game, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 692, as amended, Kuehl. Department of Fish and Game: ~~deputized employees sport fishing.~~

**Existing**

(1) Existing law requires the Department of Fish and Game to prepare a report relating to deputized employees by March 31, 1993. Copies of the report are required to be made available.

This bill would delete that obsolete provision.

(2) Existing law prohibits taking of striped bass in a sport fishery without a license. Those provisions are repealed as of January 1, 2004.

This bill would instead establish provisions relating to sport fishing in the San Francisco Bay and Delta, including prohibiting a person from sport fishing in the San Francisco Bay and Delta unless he or she first obtains a Bay-Delta Sport Fishing Enhancement stamp or validation and affixes that stamp or validation to a valid sport fishing license. The bill would set a base fee of \$5 for that stamp or validation, which fee would be adjusted annually. The bill would require that fees received for that stamp or validation shall be deposited in a separate

account in the Fish and Game Preservation Fund, and would require the department to expend the funds in that account for the long-term, sustainable benefit of the primary bay-delta sport fisheries. The bill would require the director of the department to appoint a San Francisco Bay-Delta Sport Fishing Enhancement Stamp Fund Advisory Committee. The provisions described in (2) would be repealed as of January 1, 2009.

Under existing law, violation of the Fish and Game Code is a misdemeanor. By changing the scope of a crime, the bill would impose a state-mandated local program.

(3) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the Department of Fish and Game and the Fish and Game Commission to pay all necessary expenses incurred in carrying out the Fish and Game Code, and to pay the compensation and expenses of the commissioners and employees of the commission. Unless otherwise provided, all money collected under the code is deposited in the fund.

By imposing new duties on the department, and increasing revenues deposited in the fund, the bill would make an appropriation.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 853 of the Fish and Game Code is  
 2 amended to read:  
 3 853. The director may deputize any employee of the  
 4 department to check persons for licenses required under Section  
 5 7145 and to enforce any violation of that section. Before a person  
 6 is deputized pursuant to this section for the first time, the person  
 7 shall have satisfactorily completed a training course meeting the  
 8 minimum standards of, and comparable to, the training for “level  
 9 III reserve” as set forth in the regulations of the Commission on  
 10 Peace Officer Standards and Training. Any person, who is

deputized for this limited purpose pursuant to this section, may not enforce any other provision of this code, and is not a peace officer subject to Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

*SEC. 2. Section 7360 of the Fish and Game Code is amended to read:*

7360. (a) ~~It is unlawful for any person to take striped bass in any sport fishery without first obtaining~~ A person shall not sport fish in the tidal waters of the San Francisco Bay Delta and the main stem of the Sacramento and San Joaquin Rivers, including major tributaries, below the most downstream dam, unless he or she first obtains, in addition to a valid California sportfishing sport fishing license and any applicable stamp or validation issued pursuant to Section 7149 or 7149.05, a striped bass Bay-Delta Sport Fishing Enhancement stamp or validation and ~~having~~ affixes that stamp affixed or validation to his or her valid sportfishing sport fishing license.

(b) The commission may modify, by regulation, the geographic parameters specified in subdivision (a).

(c) The department or an authorized license agent shall issue a striped bass Bay-Delta Sport Fishing Enhancement stamp or validation upon payment of a ~~fee of three dollars and fifty cents (\$3.50)~~ base fee of five dollars (\$5), in the 2004 license year, which shall be adjusted annually thereafter pursuant to Section 713.

~~(e) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.~~

*SEC. 3. Section 7360.1 of the Fish and Game Code is repealed.*

~~7360.1. (a) It is unlawful for any person to take striped bass in any sport fishery without first obtaining, in addition to a valid California sportfishing license and any applicable validation issued pursuant to Section 7149.05, a striped bass validation and having that validation affixed to his or her valid sportfishing license.~~

~~(b) The department or an authorized license agent shall issue a striped bass validation upon payment of a fee of three dollars and fifty cents (\$3.50).~~

~~(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.~~

*SEC. 4. Section 7361 of the Fish and Game Code is amended to read:*

~~7361. Fees received by the department pursuant to Sections 7360 and 7360.1 shall be deposited in a separate account in the Fish and Game Preservation Fund. The department shall expend the funds in that account solely to increase the abundance of striped bass consistent with state and federal Endangered Species Act requirements, by producing striped bass and restoring their aquatic habitat, with the goal of restoring a self-sustaining, naturally reproducing Bay-Delta striped bass population, consistent with the striped bass policy goals established by the commission; and to fund any other recommendations made by the Striped Bass Stamp Fund Advisory Committee appointed pursuant to Section 7362. Funds received pursuant to Sections 7360 and 7360.1 may not be used for striped bass production and restoration in lieu of annual funding from the sale of fishing licenses, from the Federal Aid in Sport Fish Restoration Act (16 U.S.C. Secs. 777 to 777l, inclusive) revenues, or from an appropriation by any statute in existence on January 1, 1998 for the long-term, sustainable benefit of the primary bay-delta sport fisheries, including, but not limited to, striped bass, sturgeon, black bass, halibut, salmon, surf perch, steelhead trout, and American shad. Funds shall be expended to benefit sport fish populations, sport fishing opportunities, and anglers within the geographic parameters established in Section 7360, and consistent with state and federal Endangered Species Act requirements and applicable commission policies. It is the intent of the Legislature that these funds be used to augment, not replace, funding that would otherwise be allocated to Bay-Delta sport fisheries from the sale of fishing licenses, the California bay-delta Authority, or other federal, state, or local funding sources.~~

*SEC. 5. Section 7362 of the Fish and Game Code is amended to read:*

~~7362. (a) The director shall appoint a Striped Bass bay-delta Sport Fishing Enhancement Stamp Fund Advisory Committee, consisting of nine members. The members of the committee committee members shall be selected from names of persons~~

submitted by ~~striped bass~~ anglers and associations representing  
~~striped bass Bay-Delta~~ anglers of this state and shall serve at the  
discretion of the director *for terms of not more than four years*. The  
director shall appoint persons to the committee who possess  
experience in subjects with specific value to the committee and  
shall attempt to balance the perspective of different *anglers groups*  
of persons.

(b) The advisory committee shall ~~annually~~ recommend to the  
department projects and budgets for the expenditure of revenue  
received pursuant to ~~Sections 7360 and 7360.1~~ *Section 7360*. The  
department shall give full and complete consideration to the  
committee's recommendations. ~~In submitting recommendations~~  
~~for the Governor's Budget, the department may recommend~~  
~~programs for funding that are not contained in the committee's~~  
~~recommendation, except that all revenue raised pursuant to~~  
~~Sections 7360 and 7360.1 shall be spent in accordance with~~  
~~Section 7361. The department shall notify the committee prior to~~  
~~placing funding provisions in the budget. The department shall~~  
~~submit to the committee an annual accounting of funds derived~~  
~~from striped bass stamps, including the number of stamps sold,~~  
~~funds generated and expended, and a status report of programs~~  
~~funded pursuant to this article.~~

(c) *The department shall submit to the committee, at least*  
*annually, an accounting of funds derived from the Bay-Delta Sport*  
*Fishing Enhancement stamps and validations, including the*  
*number of stamps and validations sold, funds generated and*  
*expended, and the status of programs funded pursuant to this*  
*article. In addition, the department shall report, at least annually,*  
*to the committee on the status of projects undertaken with funds*  
*from that stamp or validation, including reporting the*  
*department's reasoning in cases where committee*  
*recommendations are not followed.*

SEC. 6. *Section 7363 of the Fish and Game Code is amended*  
*to read:*

7363. This article shall remain in effect only until January 1,  
~~2004~~ 2009, and as of that date is repealed, unless a later enacted  
statute that is enacted before January 1, ~~2004~~ 2009, deletes or  
extends that date.

SEC. 7. *No reimbursement is required by this act pursuant to*  
*Section 6 of Article XIII B of the California Constitution because*

1 *the only costs that may be incurred by a local agency or school*  
2 *district will be incurred because this act creates a new crime or*  
3 *infraction, eliminates a crime or infraction, or changes the penalty*  
4 *for a crime or infraction, within the meaning of Section 17556 of*  
5 *the Government Code, or changes the definition of a crime within*  
6 *the meaning of Section 6 of Article XIII B of the California*  
7 *Constitution.*

